

REMARKS

In the non-final Office Action, the Examiner rejected claims 19-21, 27, and 31 under 35 U.S.C. § 101 as directed to non-statutory subject matter; rejected claims 1, 3, 7, 14, 17-24, and 26-31 under 35 U.S.C. § 102(e) as anticipated by Shultz et al. (U.S. Patent Application Publication No. 2003/0061211); and rejected claims 4-6 and 8-11 under 35 U.S.C. § 103(a) as unpatentable over Shultz et al. in view of Berkan et al. (U.S. Patent Application Publication No. 2003/0074353). The Examiner objected to claims 12 and 13 as dependent upon a rejected base claim, but indicated that claims 12 and 13 would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claim.

By this Amendment, Applicants amend claims 3-14, 17-19, 21, 23, 24, 26, 27, and 29-31 to improve form, and add new claims 32-34. Applicants appreciate the Examiner's identification of allowable subject matter, but respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 101, 102, and 103 with regard to the claims presented herein. Claims 1, 3-14, 17-24, and 26-34 are pending.

*REJECTION UNDER 35 U.S.C. § 101*

In paragraph 2 of the Office Action, the Examiner rejected claims 19-21, 27, and 31 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicants traverse the rejection.

Without acquiescing in the Examiner's rejection, Applicants amend claims 19 and 31 to recite a "server device." Applicants submit that this language clearly makes claims 19 and 31 directed to statutory subject matter, as machines. The Examiner alleged that the claims do not recite any hardware elements and can be implemented as software per se (Office Action,

paragraph 2). Applicants submit that the Examiner's allegation lacks merit. Amended claims 19 and 31 are specifically directed to a device, which is clearly hardware. Thus, contrary to the Examiner's allegation, claims 19 and 31 are not directed to software per se. Accordingly, Applicants submit that claims 19 and 31 are directed to statutory subject matter under 35 U.S.C. § 101.

Claim 20 recites that the claim is directed to a server device. A "device" clearly falls within the statutory class of machine. The Examiner alleged that the claim does not recite any hardware elements and can be implemented as software per se (Office Action, paragraph 2). Applicants submit that the Examiner's allegation lacks merit. Claim 20 is specifically directed to a device, which is clearly hardware. Thus, claim 20 is not directed to software per se. Accordingly, Applicants submit that claim 20 is directed to statutory subject matter under 35 U.S.C. § 101. Claim 21 is directed to statutory subject matter at least by virtue of its dependency from claim 20.

Amended claim 27 recites "at least one server device." The Examiner alleged that the claim does not recite any hardware elements and can be implemented as software per se (Office Action, paragraph 2). Applicants submit that the Examiner's allegation lacks merit. Amended claim 27 recites a hardware element (i.e., "at least one server device"). Thus, contrary to the Examiner's allegation, claim 27 is not directed to software per se. Accordingly, Applicants submit that claim 27 is directed to statutory subject matter under 35 U.S.C. § 101.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 19-21, 27, and 31 under 35 U.S.C. § 101.

*REJECTION UNDER 35 U.S.C. § 102 BASED ON SHULTZ ET AL.*

In paragraph 5 of the Office Action, the Examiner rejected claims 1, 3, 7, 14, 17-24, and 26-31 under 35 U.S.C. § 102(e) as allegedly anticipated by Shultz et al. Applicants respectfully traverse the rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Shultz et al. does not disclose or suggest the combination of features recited in claims 1, 3, 7, 14, 17-24, and 26-31.

Independent claim 1, for example, is directed to a method that comprises receiving a search query; determining a geographic location associated with the query; determining a topic associated with the query; determining a location sensitivity score that corresponds to a geographic range associated with the topic; determining topical scores for a set of documents based, at least in part, on the query; determining a distance score for each document in the set of documents based, at least in part, on the location sensitivity score and a distance between a geographic location associated with the document and the geographic location associated with the query; and ordering the set of documents as a function of both the topical scores for the set of documents and the distance scores for the set of documents.

Shultz et al. does not disclose or suggest the combination of features recited in claim 1. For example, Shultz et al. does not disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with a topic that is associated with a query, as recited in claim 1. In fact, Shultz et al. does not disclose or suggest a geographic range

associated with a topic, as recited in claim 1.

The Examiner alleged that Shultz et al. discloses determining a topic associated with a query and determining a location sensitivity score that corresponds to a geographic range associated with the topic, and cited paragraphs 0052 and 0053 of Shultz et al. for support (Office Action, page 3). Applicants submit that Shultz et al. provides no support for the Examiner's allegations.

At paragraph 0052, Shultz et al. discloses:

The resulting geocodes and/or other geographic reference information, along with any text search information from the user query (step 212), is then used for querying one or more general information database(s) (e.g., database server 138 and business information database 133) to find records matching the geographic reference and/or text search information (step 220). In one preferred embodiment for a spatial search, corresponding geocodes are parsed into an SQL database query along with other information fields, for example, subject matter of the search (steps 213 and 214). The SQL query is used to search a database (e.g., business information DB 133) for records that have a matching geocode and/or other information fields. Matching records are then provided and/or displayed to the user (e.g., via HTML interface 21) (steps 250 and 260).

In this section, Shultz et al. discloses parsing geocodes and other information fields, such as the subject matter of the search, to create an SQL database query. Even assuming, for the sake of argument, that parsing the other information fields, such as the subject matter of the search, can reasonably correspond to determining a topic associated with a query (a point that Applicants do not concede), Shultz et al. does not disclose or remotely suggest determining a geographic range associated with the subject matter of the search, as would be required by claim 1 under this interpretation of Shultz et al. Thus, Shultz et al. does not disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with a topic associated with a query, as recited in claim 1.

At paragraph 0053, Shultz et al. discloses:

According to certain aspects of the present invention, database query (step 220) may identify matching records from database 133 including location information (step 222), advertising information (step 224) and/or business information (step 226) related to user query 202.

In this section, Shultz et al. discloses identifying matching records in a database including location information, advertising information, and/or business information relating to the user query. There is absolutely nothing in this section that can reasonably correspond to a geographic range associated with a topic. Thus, Shultz et al. does not disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with a topic that is associated with a query, as recited in claim 1. Rather, this section of Shultz et al. merely discloses types of information in a database that might match a user query.

The Examiner alleged that the "business information" in paragraph 0053 of Shultz et al. is a topic (Office Action, page 3). Applicants note that the Examiner previously identified the "subject matter" of a query as a topic and now identifies "business information" in a database as a topic. This contradictory interpretation of Shultz et al. is further evidence of the weakness of the Examiner's rejection. Nevertheless, even assuming, for the sake of argument, that the "business information," disclosed by Shultz et al., can reasonably correspond to a topic associated with a query (a point that Applicants do not concede), Shultz et al. does not disclose or suggest determining a geographic range associated with the business information, as would be required by claim 1 under this interpretation of Shultz et al. Thus, Shultz et al. does not disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with a topic that is associated with a query, as recited in claim 1.

Because Shultz et al. does not disclose or suggest determining a location sensitivity score

that corresponds to a geographic range associated with a topic that is associated with a query, Shultz et al. cannot disclose or suggest determining a distance score for each document in the set of documents based, at least in part, on the location sensitivity score and a distance between a geographic location associated with the document and the geographic location associated with the query, as further recited in claim 1.

The Examiner alleged that Shultz et al. discloses this feature and cited paragraph 0060 of Shultz et al. for support (Office Action, page 3). Applicants submit that Shultz et al. provides absolutely no support for the Examiner's allegation.

At paragraph 0060, Shultz et al. discloses:

Any of these types of matching information may subsequently be sorted according to user preference and/or a predefined search result sorting routine. Such sorting may pertain to specific sorting criteria, for example, by order of importance, relevance or hierarchy of the information retrieved from database 133. Example sorting criterion might include, a distance from the user identified location (e.g., step 232), corresponding advertising information (e.g., step 234) and/or business information (e.g., step 236). Business information may be sorted according to various criteria, for example, alphabetical criteria, such as by the name of the business, size criteria, such as the size of the business, price criteria, time criteria, event criteria, or any other sorting criteria that might be helpful to a user.

In this section, Shultz et al. discloses sorting matching information according to importance, relevance, hierarchy of information, distance from the user identified location, corresponding advertising information, or corresponding business information. There is absolutely nothing in this section that can reasonably correspond to a location sensitivity score. Thus, Shultz et al. does not disclose or suggest determining a distance score for each document in the set of documents based, at least in part, on the location sensitivity score and a distance between a geographic location associated with the document and the geographic location associated with the query, as recited in claim 1.

For at least these reasons, Applicants submit that claim 1 is not anticipated by Shultz et al. Claims 3, 7, 14, 17, and 18 depend from claim 1 and are, therefore, not anticipated by Shultz et al. for at least the reasons given with regard to claim 1.

Independent claims 19, 20, and 22 recite features similar to (yet possibly different in scope from) features recited in claim 1. Claims 19, 20, and 22 are, therefore, not anticipated by Shultz et al. for at least reasons similar to reasons given with regard to claim 1. Claim 21 depends from claim 20 and is, therefore, not anticipated by Shultz et al. for at least the reasons given with regard to claim 20. Claims 23, 24, and 26 depend from claim 22 and are, therefore, not anticipated by Shultz et al. for at least the reasons given with regard to claim 22.

Independent claim 27 is directed to a system that comprises at least one server device configured to receive a search query, determine a topic associated with the search query, determine location sensitivity data that reflects a measure of relevance of geographically-based search results to the topic, identify a set of documents based, at least in part, on the search query, determine a geographic location associated with each document in the set of documents, and score a document in the set of documents based, at least in part, on the geographic location associated with the document and the location sensitivity data.

Shultz et al. does not disclose or suggest the combination of features recited in claim 27. For example, Shultz et al. does not disclose or suggest at least one server device that is configured to, among other things, determine location sensitivity data that reflects a measure of relevance of geographically-based search results to a topic associated with a query. In fact, Shultz et al. does not disclose or remotely suggest anything corresponding to a measure of relevance of geographically-based search results to a topic. Thus, Shultz et al. cannot disclose or

suggest at least one server device that is configured to, among other things, determine location sensitivity data that reflects a measure of relevance of geographically-based search results to a topic associated with a query, as recited in claim 27.

Shultz et al. discloses performing a search based on a user query that includes location data, a general information query, and/or geographic criteria, and sorting the results of the search according to user preference and/or a predefined search result sorting routine (paragraphs 0046 and 0060). Nowhere does Shultz et al. disclose or suggest a measure of relevance of geographically-based search results to a topic. Thus, Shultz et al. cannot disclose or suggest at least one server device that is configured to, among other things, determine location sensitivity data that reflects a measure of relevance of geographically-based search results to a topic associated with a query, as recited in claim 27.

The Examiner did not address this feature of claim 27. Thus, the Examiner did not establish a proper case of anticipation with regard to claim 27.

For at least these reasons, Applicants submit that claim 27 is not anticipated by Shultz et al.

Independent claim 28 is directed to a method that comprises analyzing a target document to identify a topic for the target document and a geographic location associated with the target document; identifying targeting information for a plurality of advertisements; comparing the targeting information to the topic to identify a set of potential advertisements; determining a distance score for at least one advertisement in the set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and the geographic location associated with the target document; ordering the set of potential advertisements based,



at least in part, on the distance score of the at least one advertisement; and presenting at least some of the ordered set of potential advertisements within the target document.

Shultz et al. does not disclose or suggest the combination of features recited in claim 28. For example, Shultz et al. does not disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document.

The Examiner alleged that Shultz et al. discloses this feature and cited paragraph 0060 of Shultz et al. for support (Office Action, page 5). Applicants submit that Shultz et al. provides no support for the Examiner's allegation.

At paragraph 0060 (reproduced above), Shultz et al. discloses sorting matching information according to importance, relevance, hierarchy of information, distance from the user identified location, corresponding advertising information, or corresponding business information. In this section Shultz et al. discloses "a distance from the user identified location." The "user identified location" refers to the user's geographic location, destination, or area of interest (paragraph 0047). Thus, Shultz et al. discloses a distance from matching information to the user's geographic location, destination, or area of interest. Shultz et al. does not disclose, however, a distance determined using a geographic location of an advertiser and a geographic location associated with a target document. Thus, Shultz et al. does not disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document, as recited in claim 28.

For at least these reasons, Applicants submit that claim 28 is not anticipated by Shultz et al. Claims 29 and 30 depend from claim 28 and are, therefore, not anticipated by Shultz et al. for at least the reasons given with regard to claim 28.

Independent claim 31 recites features similar to (yet possibly different in scope from) features recited in claim 28. Claim 31 is, therefore, not anticipated by Shultz et al. for at least reasons similar to reasons given with regard to claim 28.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3, 7, 14, 17-24, and 26-31 based on Shultz et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON SHULTZ ET AL. AND BERKAN ET AL.*

In paragraph 7 of the Office Action, the Examiner rejected claims 4-6 and 8-11 under 35 U.S.C. § 103(a) as allegedly unpatentable over Shultz et al. in view of Berkan et al. Applicants respectfully traverse the rejection.

Claims 4-6 and 8-11 depend from claim 1. Without acquiescing in the Examiner's rejection of claims 4-6 and 8-11, Applicants respectfully submit that the disclosure of Berkan et al. does not cure the deficiencies in the disclosure of Shultz et al. identified above with regard to claim 1. Therefore, claims 4-6 and 8-11 are patentable over Shultz et al. and Berkan et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4-6 and 8-11 based on Shultz et al. and Berkan et al.

*NEW CLAIMS*

New claim 32 depends from claim 19, new claim 33 depends from claim 27, and new

claim 34 depends from claim 31. Claims 32-34 are, therefore, patentable over the applied references for at least the reasons given above with respect to claims 19, 27, and 31.

*CONCLUSION*

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: August 28, 2008

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